

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

Deborah S. Hunt
Clerk

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Filed: March 22, 2018

Mr. Baxter W. Banowsky
Mr. John J. Bursch
Mr. E. Powell Miller
Mr. Matthew T. Nelson
Ms. Martha Joan Olijnyk
Mr. Mark C. Pierce

Re: Case No. 17-1734/17-1771, *Innovation Ventures, LLC v. Custom Nutrition Lab, LLC, et al*
Originating Case No. : 4:12-cv-13850

Dear Counsel,

The Court issued the enclosed Order today in this case.

Sincerely yours,

s/Jennifer Earl
Case Manager
Direct Dial No. 513-564-7066

cc: Mr. David J. Weaver

Enclosure

Nos. 17-1734/1771

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

INNOVATION VENTURES, LLC, a Michigan limited liability company, fdba Living Essentials,)
Plaintiff-Appellant Cross-Appellee,)
v.)
CUSTOM NUTRITION LABORATORIES, LLC, a Texas limited liability company,)
Defendant-Appellee,)
ALAN JONES; NUTRITION SCIENCE LABORATORIES, LLC, a Texas limited liability company,)
Defendants-Appellees Cross-Appellants.)

FILED
Mar 22, 2018
DEBORAH S. HUNT, Clerk

O R D E R

Plaintiff Innovation Ventures, LLC (“Innovation”) appeals the final judgment entered pursuant to a stipulation by the parties. Defendants Nutrition Science Laboratories, LLC (“NSL”) and Alan Jones cross-appeal. Innovation moves to file its appellant’s brief under seal. NSL and Jones oppose the motion. The motion to seal is addressed by a single judge of the court in accordance with Federal Rule of Appellate Procedure 27(c).

“Documents filed in this Court generally must be made available to the public.” *United States v. Hatcher*, 698 F.3d 936, 937 (6th Cir. 2012). Appellate briefs are a matter of public record and will be sealed only if the particular documents referenced therein “justify court-imposed secrecy.” *Procter & Gamble Co. v. Bankers Trust Co.*, 78 F.3d 219, 227 (6th Cir. 1996).

Nos. 17-1734/1771

-2-

Material that is produced in discovery subject to a protective order may be protected from public disclosure upon a showing of good cause. *See Fed. R. Civ. P. 26(c)(1).* Material that is filed with the court is subject to a more stringent standard, and only compelling reasons can justify the sealing of court documents. *Shane Grp., Inc. v. Blue Cross Blue Shield of Mich.*, 825 F.3d 299, 305 (6th Cir. 2016). “And even where a party can show a compelling reason why certain documents or portions thereof should be sealed, the seal itself must be narrowly tailored to serve that reason.” *Id.* A party, such as Innovation, seeking to file documents under seal, must set forth sufficient grounds to support its request.

Innovation has not justified its request to file its brief under seal. It maintains that the brief discloses material that was designated as confidential under a protective order entered in the district court. But it has not set forth any compelling reasons to support the sealing of its brief. In opposing the motion to seal, NSL and Jones noted that much of the confidential material was made part of the public record in the district court.

The motion to file the appellant’s brief under seal is **DENIED**. The clerk is directed to unseal the brief filed by Innovation on December 11, 2017, and to submit these appeals and Case No. 17-1911 to the same merits panel on the same day.

ENTERED BY ORDER OF THE COURT



Deborah S. Hunt, Clerk